



CORPORATION OF THE
DISTRICT OF TOFINO

**District of Tofino Sewer Utility Bylaw
No. 1347, 2024**

Effective Date – July 1, 2024

DISTRICT OF TOFINO

BYLAW NO. 1347, 2024

A Bylaw to impose fees, charges, terms and conditions for sanitary and storm sewer services.

WHEREAS pursuant to Section 8 of the *Community Charter* a municipality may provide any service that the council considers necessary or desirable and may, by bylaw, regulate, prohibit and impose requirements in relation to municipal services;

AND WHEREAS pursuant to Section 194 of the *Community Charter* the Council may, by bylaw, impose a fee payable in respect of all or part of a service of the municipality and may establish terms and conditions for payment of a fee, including discounts, interest and penalties;

NOW THEREFORE the Council of the District of Tofino, in open meeting, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “District of Tofino Sewer Utility Bylaw No. 1347, 2024.”

2. Definitions

In this Bylaw:

Commercial and Other Class means a Service that is not Residential Class or a Service that serves a community outside the District’s boundaries through a single Service Connection.

Customer means the owner or occupier of a property or an agent acting on behalf of the owner or occupier.

District means the Corporation of the District of Tofino.

District Sewer System. means the District of Tofino’s liquid waste treatment, storage, conveyance and collection system It does not include service connections.

Force Connection means a pressurized Service Connection.

Force Main means a pressurized sanitary main line.

Gravity Connection means a non-pressurized Service Connection.

Gravity Main means a non-pressurized sanitary main line.

Manager means the person authorized by the District to manage the District Sewer System.

Owner has the same meaning as defined in the *Community Charter* as of the date of adoption of this bylaw.

Residential Class means a Service for one single-family dwelling, one duplex, or one residence within a strata, but does not include a Service under which multiple residences within a strata share a water meter for the purpose of receiving water from

the District.

Service means the collection, treatment and discharge of sewer waste from a Customer via the District Sewer System.

Service Connection means the pipes and equipment that connect a property to the District Sewer System.

Storm Drain Connection means the pipes and equipment used or intended to be used to convey natural precipitation from the Customer to the Storm Drain System.

Storm Drain System means the District's collection and discharge system for natural precipitation.

3. Sanitary Sewer Service

- (1) The District shall provide Services to land and buildings within the District's boundaries in accordance with this Bylaw.
- (2) If Services are provided outside District boundaries, a municipal type service agreement must be in place.

4. Conditions of Service

- (1) The Service may be interrupted temporarily to allow for maintenance, repairs, extensions, alternations, replacements or improvements to the District Sewer System or for reasons beyond the District's control.
- (2) The District is authorized and empowered to enter onto property to conduct on-site review of the Service use, facilities, meters, piping, equipment, operating conditions and maintenance records for the purpose of evaluation for conformity with the terms and conditions of this Bylaw.
- (3) The Manager may make orders requiring that any regulation or provision prescribed in this bylaw be carried out.
- (4) The Manager may for the purposes of protecting the District Sewer System and preventing adverse effects on other users limit the type, number, size, and capacity of Service Connections to the District Sewer System.
- (5) The Manager shall determine the appropriate Service Connection type, number, size and capacity, subject to consideration of:
 - a) the use of the property served;
 - b) the capacity for water delivery to the property; and,
 - c) the Service Connection type.

5. Payment

- (1) The District hereby imposes the fees and charges set out in Schedule "A".
- (2) Every Service Connection shall be classed as providing one or more of the following Services:
 - (a) Residential Class; and
 - (b) Commercial and Other Class.
- (3) Every Owner of a property receiving a Service or capable of receiving a Service shall pay the District:
 - (a) the quarterly Fixed Charge per Service; and

- (b) the variable charge for the class of Service at the rates set out in Schedule "A".
- (4) For the purpose of calculating the variable charge under section 5.3(b):
 - (a) if the property has a metered Service Connection, the Owner must pay the specified rate for each cubic meter of sewage carried; and
 - (b) if the property does not have a metered Service Connection, the Owner must pay the specified rate for each cubic meter of water delivered to the property.
- (5) All rates or charges as set forth by this Bylaw shall be due and payable on or before the due date specified on the invoice sent by the District, which due date shall be no less than thirty (30) days from the invoice date.
- (6) If a person fails to make a payment required under this Bylaw before the due date, that person must also pay the Penalty on Overdue Accounts set out in Schedule "A".
- (7) The rates and charges imposed under the provisions of this Bylaw are for work done or services provided to land or improvements and may be collected in the same manner and with the same remedies as property taxes.
- (8) Where the District determines that a water or sewer meter has for any reason failed to correctly indicate the quantity of water or sewage passing through it, the District shall estimate the water delivered or sewage carried for the purpose of imposing the per cubic meter charge using the average amount of use for the same quarter over the previous years, up to four, that the meter operated correctly.

6. Connection to Sanitary Sewer Service

- (1) Subject to section 4(4), every owner of a parcel:
 - a) on which a building or structure with plumbing is built or being built; and
 - b) that borders a highway or right-of-way containing a District Sewer System sewer main

must connect to the District Sewer System using a Service Connection.
- (2) Every Owner of a float home or live aboard vessel within the District's boundaries must connect the sewage system to a property that has a Service Connection.
- (3) For the purpose of calculating payment for a Service that the District provides pursuant to a contractual agreement, the rates set out in this Bylaw are deemed to be the actual cost of the Service.
- (4) The Service supplied to any property from the District Sewer System shall be solely for the use of the Customer of the property to which the Service is supplied.
- (5) All Service Connections shall be in accordance with the specifications outlined in the District's Subdivision and Development Control Bylaw.
- (6) A person must apply for a Service Connection by submitting the form prescribed by the Manager and by paying the District the Service Connection Fee.
- (7) The Service Connection Fee for the type and size of Service Connection to be installed is set out in Schedule "A".
- (8) Each property is limited to one Service Connection unless otherwise approved by the Manager.

- (9) Where a Works and Service Agreement provides for the installation or alteration of a Service Connection to the District Sewer System, the Owner must pay the Service Connection Fees in accordance with “Schedule A” prior to the District making the final connection.
- (10) An Owner or Customer wishing to connect or disconnect a Service Connection must make an application in writing to the District and pay the associated fee outlined in Schedule “A”.
- (11) Disconnecting a Service Connection does not provide an exemption from charges imposed under this Bylaw.
- (12) The District shall install a new Service Connection once:
 - a) a completed application form has been submitted to the District;
 - b) a site plan demonstrating the location of the Service on private property has been submitted to the District;
 - c) the Service Connection Fee has been paid; and
 - d) the connection has been inspected by the District.
- (13) The Manager may turn off a Service Connection to a property if:
 - a) charges for the Service have gone unpaid for at least two months;
 - b) the Owner of the property was sent a written reminder of unpaid charges at least one month prior to the turn off;
 - c) the Owner and the Customer of the property were sent a notice of turn off, related to the unpaid charges, 5 business days prior to the turn off; and
 - d) notice of the turn off was posted on the property 5 business days prior to the turn off.
- (14) The Manager may turn off a Service Connection to a property with 10 business days’ notice delivered to the Owner and Customer of the property in response to all contraventions of this Bylaw, and the District’s Source Control Bylaw, and the Owner and Customer may make representations to District Council regarding a disconnection under this section at the next regularly scheduled Council meeting.

7. Connection to Storm Drain System

- (1) Subject to section 7(2), every Owner of a parcel that:
 - (a) contains a building or structure; and
 - (b) borders a highway or other public right of way upon which or under which a storm drain is laid;

must connect all buildings and structures on the parcel to the Storm Drain System using a Storm Drain Connection.
- (2) The Manager may for the purposes of protecting the Storm Drain System and preventing adverse effects on other users limit the number, size, and capacity of connections to the Storm Drain System.

8. Prohibitions

- (1) No person shall obstruct or prevent the District from carrying out an inspection under this Bylaw.

- (2) No person other than a District employee connect, disconnect, turn on or shut off any valve, pump or other fixture of the District Sewer System or the Storm Drain System or shall tamper with such objects in any way whatsoever.
- (3) No person shall obstruct access to any valve, pump or other fixture of the District Sewer System or Storm Drain System.
- (4) No person shall connect or suffer the connection of a Storm Drain to the District Sewer System.
- (5) No person shall connect, or suffer the connection to, the District Sewer System except for a Service Connection approved through an application made under Section 6.6 of this Bylaw.

9. Offence

- (1) Every person who violates any provision of this Bylaw or who permits or allows any act or thing to be done in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and each day that a violation continues to exist is deemed to be a separate offence against the Bylaw.
- (2) Every person who commits an offence contrary to the provisions of this Bylaw is liable upon summary conviction to a penalty of not more than \$10,000.00 and to any payment of the costs of the prosecution that the court may order.

10. Severability

If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

11. Repeal

“District of Tofino Sewer Utility Bylaw No. 1214, 2015” is hereby repealed.

12. Schedules

The schedules attached to this Bylaw form part of the Bylaw.

13. Effective Date

This Bylaw shall come into force and effect on July 1, 2024

READ A FIRST TIME on June 19, 2024

READ A SECOND TIME on June 19, 2024

READ A THIRD TIME on June 19, 2024

ADOPTED on June 25, 2024

Dan Law, Mayor

Keegan McColl, Corporate Officer

Schedule 'A'
Sewer Utility Bylaw No. 1347, 2024

Sewer Utility Rates and Charges

1. Sewer Utility Rates and Charges

Residential Class		
Quarterly Fixed Charge per service connection, based on size of water meter		
	5/8"	\$64.51
	3/4"	\$64.51
	1"	\$107.74
	1.5"	\$214.82
	2"	\$343.84
	3"	\$645.11
	4"	\$1,075.39
	6"	\$2,150.13
Variable Charge		
	First 0m ³ to 30m ³ supplied in quarter	Included
	Next 30m ³ up to 75m ³ supplied in quarter	\$3.05
	Amount over 75m ³ supplied in quarter	\$5.16
Commercial and Other Class		
Quarterly Fixed Charge per service connection, based on size of water meter		
	5/8"	\$73.73
	3/4"	\$73.73
	1"	\$123.13
	1.5"	\$245.53
	2"	\$392.99
	3"	\$737.33
	4"	\$1,229.12
	6"	\$2,457.50
Variable Charge		
	First 0m ³ to 2000m ³ supplied in quarter	\$3.05
	Amount over 2000m ³ supplied in quarter	\$4.35
The fixed and variable charges in all rate classes will be subject to a 4% increase on January 1 of each year		

2. Service Connection Fees

The connection fees are as follows:

Connection Type	Service Connection Size	Fee
Force Service	50mm (2")	\$3,200.00
	75mm (3")	\$6,100.00
	100mm (4")	\$6,500.00
Gravity Service	100mm (4")	\$1,500.00
	150mm (6")	\$2,000.00
	200mm (8")	\$4,000.00

3. Penalty on Overdue Accounts

The penalty on overdue utility accounts is 10% of the current amount billed.